3/12.

SUPREME COURT OF THE UNITED STATES.

No. 110.

THOMAS MAGUIRE, CLAIMANT OF THE STEAMER GOLIAH, APP'T,

vs.

STEPHEN CARD, LIBELLANT.

APPEAL FROM THE CIRCUIT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIDEON, Print.

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Libel.

IN ADMIRALTY.

To the Judge of the District Court of the United States for the northern district of California.

Stephen Card, of the city of San Francisco, exhibits this his libel in a cause of contract, civil and maritime, against the steamboat now called the Defender, formerly known as the Goliah, whereof Arthur J. Brown now is, or lately was, master, now lying at Sacramento, in the district aforesaid, and within the admiralty and maritime jurisdiction of this honorable court, and thereupon the libellant doth allege, and articulately propound, as follows, to wit:

First. That on various days and times in the months of October and November, 1855, Cornelius K. Garrison and William Garrison, trading and doing business under the firm-name of C. K. Garrison & Company, at the request of the said Arthur J. Brown, then being master of said steamer, did supply and furnish to the said steamer one hundred and sixty tons of Cardiff coal, and twenty tons of Lackawanna coal, for which the said Arthur J. Brown undertook and agreed to pay to said C. K. Garrison & Company the sum of forty-five hundred dollars, being at the rate of twenty-five dollars per ton, for said coal.

Second. That the said steamer is a maritime vessel of over 200 tons burden, recently employed in the business of navigation and commerce on the Sacramento river, on waters within the ebb and flow of the tide, and formerly employed in navigating the high seas.

Third. That in undertaking to furnish the said coal for the said steamer, the said C. K. Garrison & Company relied as well upon the credit of the said steamer, and the lien thereupon which would accrue to him for the said coal so to be by him furnished in virtue of the laws of the State of California, in which the said coal was so furnished, and in which said Cornelius K. Garrison and William Garrison resided, and in which said steamer was owned at the time of furnishing said coal.

Fourth. That on the 21st day of November, 1855, there being then due and unpaid of the purchase money, and price of said coal, the sum of two thousand eight hundred and thirty dollars, the said C. K. & W. Garrison assigned and transferred to the libellant their claim therefor, and all moneys due, or to grow due thereon, and all rights pertaining thereto, and the libellant is now the owner of the same.

Fifth. That the said amount is still due, though payment thereof has often been demanded.

Wherefore the libellant prays that the usual process may issue against said steamer, and this honorable court will pronounce for his demand

aforesaid with costs, and will grant such other and further relief as may be necessary and proper.

S. CARD.

Sworn and subscribed this 22d Nov., 1855, before me.

W. H. CHEVERS,
Deputy Clerk.

Endorsed: Filed Nov. 22d, 1855.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Libellant's Stipulation for Costs.

UNITED STATES OF AMERICA.

District Court of the United States for the northern district of California.

Whereas a libel was filed in this court on the 22d day of November, in the year of our Lord one thousand eight hundred and fifty-five, by Stephen Card against the steamer "Defender," alias "Goliah," for reasons and causes in the said libel mentioned, and the said Stephen Card, and Wm. Norris and Samuel Soule, his sureties, hereby consenting and agreeing that in case of default or contumacy on the part of the said libellant, or his sureties, execution may issue against their goods, chattels, and lands, for the sum of five hundred dollars.

Now, therefore, it is hereby stipulated and agreed, for the benefit of whom it may concern, that the undersigned shall be, and each of them is, bound in the sum of five hundred dollars, conditioned the libellant above named shall pay all costs and charges that may be awarded against them in any decree by this court.

S. CARD,
WM. NORRIS,
SAM'L SOULE.

Taken and acknowledged this 22d day of Nov., 1855, before me.

W. H. CHEVERS,
Deputy Clerk.

NORTHERN DISTRICT OF CALIFORNIA, *ss.*

Wm. Norris and Samuel Soule, parties to the above stipulations, being duly sworn, do depose and say, each for himself, that he is worth the sum of five hundred dollars, over and above all his just debts and liabilities.

WM. NORRIS,
SAM'L SOULE.

Sworn to this 22d day of Nov., 1855, before me.

W. H. CHEEVERS,
Deputy Clerk.

Filed the 22d day of Nov., 1855.

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Monition.

NORTHERN DISTRICT OF CALIFORNIA, *ss.*

[SEAL.]

The President of the United States of America to the Marshal of the northern district of California, greeting:

Whereas a libel hath been filed in the district court of the United States for the northern district of California, on the 22d day of November, in the year of our Lord one thousand eight hundred and fifty-five, by Stephen Card, against the steamer "Defender," alias "Goliah," her tackle, apparel and furniture, for the reasons and causes in the said libel mentioned, and praying the usual process and monition of the said court in that behalf to be made, and that all persons interested in the said steamer or vessel, her tackle, &c., may be cited in general and special to answer the premises; and all proceedings being had, that the said steamer or vessel, her tackle, &c., may, for the causes in the said libel mentioned, be condemned and sold to pay the demands of the libellant: You are, therefore, hereby commanded to attach the said steamer or vessel, her tackle, &c., and to detain the same in your custody until the further order of the court respecting the same, and to give due notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel, that they be and appear before the said court, to be held in and for the northern district of California, on the fourth day of December next, at eleven o'clock in the forenoon of the same day, if the said day shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same, and to make their allegations in that behalf; and what you shall have done in the premises, do you then and there make return thereof, together with this writ.

Witness the Hon. Ogden Hoffman, jr., judge of said , at the city of San Francisco, in the northern district of California, this 22d day of November, in the year of our Lord one thousand eight hundred and fifty-five, and of our independence the eightieth.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

W. BARBER,
Proctor for Libellants.

I authorize and deputize Clinton Palmer to serve and execute this writ.

W. H. RICHARDSON,
U. S. Marshal.
By W. M. SMITH, *Deputy.*

Nov. 22d, 1855.

In obedience to the within monition, I attached the steamer therein described, on the 23d day of November inst., and have given due notice to all persons claiming the same, that this court will, on the fourth

day of December next, (if that day should be a day of jurisdiction; if not, on the next day of jurisdiction thereafter,) proceed to the trial and condemnation thereof, should no claim be interposed for the same.

W. H. RICHARDSON,
U. S. Marshal.
By D. CLINTON PALMER,
Special Deputy U. S. Marshal.

Dated Nov. 23d, 1855.

The above was attached, subject to prior attachments in the hands of the sheriff of Sacramento county, and prior possession thereon, for the sum of about seven thousand dollars, he having said steamer in possession previous to the seizure by me.

W. H. RICHARDSON,
U. S. Marshal.
By W. M. SMITH, *Deputy.*

Nov 23d, 1855.

Endorsed: Filed the 4th day of Dec'r, 1855.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Substitution of Proctors.

In the District Court of the United States.

STEPHEN CARD and al.
vs.
STEAMER GOLIAH.

It is hereby stipulated, that Bowlin and Poe are substituted for Bates and Lawrence, as proctors for steamer Goliah, in the above entitled case.

BATES & LAWRENCE,
Proctors for Claimant.

San Francisco, Cal., December 21, 1855.

Endorsed: Filed December 21, 1855.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Order allowing Maguire to file claim, &c.

U. S. DISTRICT COURT,
Northern District of California.

STEPHEN CARD
vs.
THE STEAMER DEFENDER,
(formerly Goliah.)

On motion of R. K. Bowlin, proctor and attorney in fact of Thomas Maguire, who claims said steamer as the owner thereof, it is ordered, that upon said Maguire filing his said claim in the above entitled suit, and

depositing in the registry of this court the amount claimed to be due each of said libellants, with sufficient in addition to cover all costs now due, or that may accrue in said suit, that said steamer be discharged from the custody of the United States marshal in the suit aforesaid.

OGDEN HOFFMAN, JR.,
U. S. Dist. Judge.

Endorsed: Filed January 7, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Claim.

U. S. DISTRICT COURT,
Northern District of California.

To the Hon'ble Ogden Hoffman, judge of the District Court of the United States for the northern district of California.

STEPHEN CARD
vs.
THE STEAMER DEFENDER,
(formerly Goliah.)

Thomas Maguire, of the city of San Francisco, State of California, owner of the steamer Goliah, her tackle, apparel, furniture, &c., intervening for his interests in the said steamer, her tackle, &c., appears before this honorable court, and claims the said steamer, her tackle, &c., and states that he is the true and bona fide owner thereof, and that no other person is the owner. And thereupon the said claimant prays that this honorable court will be pleased to decree a restriction, and otherwise right and justice to administer in the premises.

THOMAS MAGUIRE,
By R. H. BOWLIN,
His Attorney.

Richard H. Bowlin, being duly sworn, deposes and says, that he is the attorney in fact and agent of the above named claimant, Thomas Maguire, who is not at present in the city of San Francisco; that he has read the foregoing claim and knows the contents thereof, and that the same is true to the best of his knowledge, information and belief.

R. H. BOWLIN.

Subscribed and sworn to before me this seventh day of January, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Endorsed: Filed January 7, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Exceptions to Libel.

U. S. District Court, northern district of California.—In Admiralty.

To the Honorable Ogden Hoffman, judge of the District Court of the United States for the northern district of California.

The exception of Thomas Maguire, defendant to the libel of Stephen Card, libellant, alleges that, as appears by said libel, on the twenty-first day of November last, the claim upon which this action is brought was assigned by C. K. and W. Garrison to libellant, and that said libellant has no maritime lien upon the steamer Goliah; and therefore that this court has no jurisdiction over the subject-matter set forth in said libel, and he prays that said libel may be dismissed with costs.

THOMAS MAGUIRE,
By R. H. BOWLIN,
His Attorney.

Sworn to before me this 10th day of January, 1856.

W. H. CHEVERS,
Deputy Clerk.

U. S. District Court,
Northern District of California, ss.

Richard H. Bowlin, being sworn, deposes and says, that he is the attorney in fact and agent for Thomas Maguire; that he has read the foregoing exceptions, and that the same is true, to the best of his knowledge, information, and belief.

RICHARD H. BOWLIN.

Jan'y 10, 1856.

Sworn to before me.

W. H. CHEVERS,
Deputy Clerk.

Endorsed: Filed Jan'y 11, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Claimant's stipulation for costs.

United States of America.

District Court of the United States for the northern district of California.

Whereas a libel was filed in this court on the 22d day of November, in the year of our Lord one thousand eight hundred and fifty-five, by Stephen Card, against the steamer "Defender," alias "Goliah," for reasons and causes in the said libel mentioned, and whereas Thomas Maguire, by his att'y in fact, R. H. Bowlin, has filed his claims herein, as the owner of said steamer, and the said R. H. Bowlin and John Carroll, and C. P. Lander, his sureties, parties hereto, hereby consenting and agreeing that in case of default or contumacy on the part of the said claimant or his sureties, execution may issue against their goods, chattels, and lands for the sum of five hundred dollars: Now,

therefore, it is hereby stipulated and agreed, for the benefit of whom it may concern, that the undersigned shall be, and each of them is, bound in the sum of five hundred dollars, conditioned the claimant above named shall pay all costs and charges that may be awarded against them in any decree by this court, or in case of appeal by the appellate court.

THOMAS MAGUIRE,
By R. H. BOWLIN, *his Attorney.*
JOHN CARROLL,
P. C. LANDER.

Taken and acknowledged this 11th day of Jan'y, 1856, before me.
W. H. CHEVERS,
Deputy Clerk.

NORTHERN DISTRICT OF CALIFORNIA, *ss.*

John Carroll and C. P. Lander, parties to the above stipulation, being duly sworn, do depose and say, each for himself, that he is worth the sum of five hundred dollars over and above all his just debts and liabilities.

JOHN CARROLL,
P. C. LANDER.

Sworn this 11th day of January, 1856, before me.
W. H. CHEVERS,
Deputy Clerk.

Filed the 11th day of Jan'y, 1856.

Decree overruling exceptions to Libel.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room, in the city of San Francisco, on Saturday, the twelfth day of January, in the year of our Lord one thousand eight hundred and fifty-six. Present, the Honorable Ogden Hoffman, jr., district judge.

STEPHEN CARD
vs.
STEAMER "DEFENDER," formerly "GOLIAH."

This cause coming on to be heard on the exceptions filed by the claimants to the libel of the said libellant, and having been argued by advocates for the respective parties, and due deliberation being had in the premises, it is ordered, adjudged, and decreed by the court that the said exceptions be overruled.

OGDEN HOFFMAN, Jr.,
U. S. Dist. Judge.

Endorsed: Filed January 12, 1856.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Final Decree.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-house, in the city of San Francisco, on Monday, the 21st day of January, in the year of our Lord one thousand eight hundred and fifty-six. Present, the Honorable Ogden Hoffman, jr., district judge.

STEPHEN CARD
vs.
STEAMER GOLIAH.

In this case a decree having been heretofore entered, overruling the exceptions to the libel filed herein, now, on motion of W. Barber, esq., proctor for libellant, ordered by the court that the libellant recover of the claimant of the said steamer "Goliah" the amount claimed in his said libel, amounting to twenty-eight hundred and thirty dollars, together with his costs to be taxed; and that libellant have execution therefor.

OGDEN HOFFMAN, JR.,
U. S. Dist. Judge.

Endorsed: Filed January 21st, 1856.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Notice of Appeal.

District Court of the United States for the northern district of California.

STEPHEN CARD
vs.
STEAMER "GOLIAH."

SIR: The claimant intends to appeal from the final decree of the court in this cause.

Dated January 23, 1856.

BOWLIN & POE,
Proctors for Claimant.

To JOHN A. MONROE, Esq.,
Clerk U. S. District Court.

Endorsed: Filed Jan'y 22d, 1856.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Appeal Bond.

District Court of the United States for the northern district of California.—In Admiralty.

Stipulation entered into pursuant to the rules and practice of this Court.

Whereas an appeal has been taken from the decree of this court, made on the 22d day of January, in the year of our Lord one thousand eight hundred and fifty-six, in a certain cause, wherein Stephen Card is libellant, against the steamer Goliah, her tackle, &c., and Thomas Maguire, claimant, by the said claimant:

Now, therefore, the stipulators undersigned hereby stipulate in the sum of five thousand dollars to pay all damages and costs which shall be awarded against the said appellant by the final decree by the appellate court.

P. C. LANDER,
JOHN CARROLL.

Taken and acknowledged this 28 day of January, 1856, before me.
W. H. CHEVERS,
Deputy Clerk.

NORTHERN DISTRICT OF CALIFORNIA, *ss.*

P. C. Lander and John Carroll, parties to the above stipulation, being duly sworn, depose and say, each for himself, that he is worth the sum of five thousand dollars over and above all his just debts and liabilities.

P. C. LANDER,
JOHN CARROLL.

Sworn to before me this 28 day of January, 1856.
W. H. CHEVERS,
Deputy Clerk.

Endorsed: Filed Jan'y 28, 1856.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Formal Notice of Appeal.

Circuit Court of the United States, district of California.

STEAMBOAT "GOLIAH," her tackle, Thomas Maguire, Claimant and Appellant,
vs.
STEPHEN CARD, Libellant.

To the Honorable the Circuit Court of the United States for the district of California.

The appeal of the above named appellant respectfully showeth, that on or about the 22d day of November, in the year one thousand eight hundred and fifty-five, the above named libellant, Stephen Card, exhibited his libel in the district court of the United States for the northern district of California, against the appellant, claiming over fifty dollars, praying, among other things, for the reasons set forth in said libel, that this appellant might be condemned to pay the demands of said libellant and costs in said libel mentioned.

That process issued out of said court having been served on this appellant, Thomas Maguire, he did, on or about the day of January, in the year one thousand eight hundred and fifty-six, file his answer to the said libel in the said district court, praying that the said libel be

dismissed with his costs in that behalf, as by reference to said libel and the said answer may more fully appear. That the said cause came on to be heard before the Honorable Ogden Hoffman, jr., judge of the said district court, on or about the 22d day of January, A. D. 1856, upon the depositions and proofs taken in said cause, and the testimony and proofs adduced by the respective parties; and the said judge having advised thereon, on the 22d day of January, 1856, made a decree or sentence in said cause, whereby, among other things, it was sentenced and decreed, that the libellant in said cause recover against this appellant his claim for materials furnished said appellant, as by reference to said decree may more fully appear; under which decree a reference was had to the clerk of said court, who reported that there was due to Stephen Card the sum of $2,860, which report was, on the 22d day of January, 1856, confirmed by the said court by the final decree thereof.

And this appellant is advised and insists that the said decree is erroneous, inasmuch as the said libellant is not a material man, did not furnish said materials, and is not entitled to anything in the premises. And this appellant, for this and other reasons, appeals from the whole of said decree in favor of said Stephen Card to the next circuit court to be held in said district, (and in the said appeal he intends only to have the said cause heard anew on the same pleadings and the same proofs,) and he prays that the said decree, and every part thereof, may be reversed with costs, or such other decrees thereupon made as to the said circuit court shall seem just, and that the said appellee be condemned to pay this appellant his costs and damages in the premises.

BOWLIN & POE,
Proctors for Appellant.

Endorsed: Filed January 29, 1856.

JOHN A. MONROE, *Clerk*.
By W. H. CHEVERS, *Deputy*.

I, John A. Monroe, clerk of the district court of the United States of America for the northern district of California, do hereby certify the foregoing to be a transcript of the records of the said court in the cause named at the beginning hereof, made up pursuant to the fifty-third admiralty rule of December term, 1854, of the Supreme Court of the United States of America.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said district court, this thirtieth day of January, in the year of our Lord one thousand eight hundred and fifty-three, and of the independence of these United States the eightieth.

[SEAL.]

JOHN A. MONROE, *Clerk*.
By W. H. CHEVERS, *Deputy*.

Certificate of Appeal.

U. S. DIST. COURT,
N. D. of California.

STEPHEN CARD, Appellee,
ads.
STEAMER "GOLIAH," alias DEFENDER.

I, John A. Monroe, clerk of the U. S. dist. court for the N. D. of Cal., do hereby certify that an appeal has been made from the final decree of this court in the above cause, and that the record has been duly certified to the appellate court.

Witness my hand and the seal of the said court, this 16th day of February, A. D. 1836.

[SEAL.]

JOHN A. MONROE, *Clerk*.
By W. H. CHEVERS, *Deputy*.

Endorsed: Filed February 16, A. D. 1856.
GEO. PEN JOHNSTON, *Clerk*.

Decree.

CIRCUIT COURT OF THE UNITED STATES,
For the Districts of California.

STEPHEN CARD, Respondent,
vs.
THE STEAMER "GOLIAH," Appellant.

This cause having been brought to a hearing, on appeal from the decree of the district court of the United States for the northern district of California, overruling the exceptions filed on behalf of the said steamer Goliah to the libel of the said Stephen Card, and awarding to said Stephen Card the sum of twenty-eight hundred and thirty dollars, and costs, and counsel having been heard for the respective parties, and due deliberation having been had by the court in the premises, it is adjudged and decreed that the said decree be in all things affirmed, with costs, and that the respondent have execution therefor.

M. HALL McALLISTER, *Judge*.

Endorsed: Filed March 3d, A. D. 1856.
GEO. PEN JOHNSTON, *Clerk*.

Order affirming decision of U. S. Dist. Court.

At a stated term of the circuit court of the United States of America for the districts of California, held at the court-house in the city of San Francisco, on Monday the 3d day of March, in the year of our Lord one thousand eight hundred and fifty-six: Present, the Honorable M. Hall McAllister, judge of said court.

STEPHEN CARD
vs.
STEAMER "GOLIAH." } In Admiralty.

And now at this day come the parties to this cause, by their respective proctors, and the cause having been heretofore duly argued and submitted to the court, and fully considered, it is now ordered that the decree of the U. S. district court heretofore made herein be in all things affirmed, with costs, and that the respondent have execution therefor.

M. HALL McALLISTER, *Judge.*

Endorsed: Filed March 3d, A. D. 1856.
G. PEN JOHNSTON, *Clerk.*

Conditional Order.

U. S. CIRCUIT COURT.

STEPHEN CARD
vs.
STEAMER GOLIAH.

A decree having been entered in this cause, affirming the decree of the district court for $2,830, and costs, with costs of appeal, and the appellant having filed notice of appeal from the decree of this court, it is ordered, that unless said appeal be duly perfected, the clerk of this court draw out of the fund deposited in court by said appellants, and pay over to the respondent's proctor, the sum of twenty-eight hundred and thirty dollars, and that execution issue for costs.

Dated San Francisco, March 3d, A. D. 1856.

M. HALL McALLISTER,
Judge Circuit Court of the U. S. for the Districts of Cal'a.

Endorsed: Filed March 3d, A. D. 1856.
GEO. PEN JOHNSTON, *Clerk.*

Notice of Appeal.

U. S. CIRCUIT COURT,
Northern District of California.

STEPHEN CARD
vs.
THE STEAMER "GOLIAH."

You will please take notice that the claimant intends to appeal from the final decree of the court rendered in the above entitled cause.

Respectfully,

BOWLIN & POE,
Proctors for Claimant.

San Francisco, Cal., March 4, 1856.

GEO. PEN JOHNSTON,
Clerk U. S. Circuit Court.

U. S. CIRCUIT COURT,
North. Dist. of Cal'a.

Francis Poe, being duly sworn, deposes and says, that he has served a copy of the above notice upon Wm. Barber, proctor for libellant, in the above entitled cause, by leaving a copy thereof at his ordinary place of business, and with a person of competent age in his employ.

FRANCIS POE.

Subscribed and sworn to before me, this 4th day of March, A. D. 1856.

GEO. PEN JOHNSTON,
U. S. Circuit Clerk.

Endorsed: Filed March 4th, A. D. 1856.
GEO. PEN JOHNSTON, *Clerk.*

Appeal.

In the Circuit Court of the United States, northern district of California.

THE STEAMER GOLIAH, her tackle, &c.,
Thomas Maguire, claimant and Appellant,
vs.
STEPHEN CARD, Respondent.

To the honorable the Supreme Court of the United States:

The appeal of Thomas Maguire, the above named claimant and appellant, respectfully showeth, that on the twenty-second day of November, A. D. 1855, the above named Stephen Card filed his libel in the district court of the United States for the northern district of California, against the steamer Goliah, her tackle, &c., in a cause civil and maritime, for the recovery of a certain sum of money, to wit, the sum of twenty-nine hundred and thirty dollars, and that the said steamer Goliah was arrested upon process issued upon said libel, and was discharged upon your petitioner's filing his claim and entering into stipulations, and your petitioner thereupon filed his exceptions to said libel, and such proceedings were had in the said cause, that on the twenty-first day of January, 1856, a final decree was made and pronounced therein by said district court, wherein it was, in substance, adjudged that the said libellant recover against the said steamer Goliah, her tackle, &c., the sum of twenty-nine hundred and thirty dollars, together with costs; and that, after such final decree, your petitioner duly appealed therefrom to the circuit court of the United States for the northern district of California, and the said cause was removed thereby into the said circuit court, and there tried anew; and such proceedings were had in the said circuit court that afterwards, on the third day of March, A. D. 1856, the said circuit court made a final decree in the said cause, whereby it was decreed that the said decree of the district court be in all things affirmed, and that the said appellee have

execution; which said decree of the circuit court is, as this appellant is advised, erroneous and ought to be reversed.

Wherefore this appellant appeals from the whole of said decree of said circuit court to the Supreme Court of the United States, and respectfully prays that the said decree of the said circuit court, and the libel, exceptions, pleadings, depositions, evidence and proceedings in the said cause may be sent to the Supreme Court of the United States without delay, and that the said Supreme Court will proceed to hear the said cause anew, and that the said decree of the circuit court, and every part thereof, may be reversed, and a decree made dismissing said libel, with costs, or such other decree as to the said Supreme Court shall seem just.

THOMAS MAGUIRE,
By his Attorney in fact,
RICHARD H. BOWLIN.

BOWLIN & POE,
Proctors and Advocates for Claimant.

Endorsed: Filed March 15, A. D. 1856.
GEO. PEN JOHNSTON, *Clerk.*

Notice of filing Stipulation and Motion.

U. S. CIRCUIT COURT,
Districts of California.

THOMAS MAGUIRE, Claimant Str. Goliah, Appellant,
vs.
STEPHEN CARD, Libellant & Appellee.

You will please take notice, that the stipulation to be filed by the above named appellant on the appeal made herein will be executed and given by P. C. Lander, gentleman, and John Carrol, merchant, both of the city of San Francisco. And please further take notice, that the aforesaid sureties will severally attend at the office of the clerk of this court on Monday, the 22d day of September, at 11 o'clock in the forenoon of that day, to execute the said stipulation; and that they will, at the same time, justify good and sufficient sureties herein. You will further take notice, that on Tuesday, the 23d day of September, A. D. 1856, at the opening af the court, or so soon thereafter as counsel can be heard, I shall move the court to release the money now in the registry of this court in this action upon the filing of the aforesaid stipulation and bond.

Dated this 15 day of Sept., 1856, San Francisco, Cal.

Respectfully, FRANCIS POE.

To WILLIAM BARBER,
Proctor for Appellee.

UNITED STATES OF AMERICA,
Northern District of California.

Francis Poe, being duly sworn, deposes and says, that he has this day served the within notice upon the said proctor for respondents, by leaving a copy of the same at his office and with the person in charge thereof.

FRANCIS POE.

Subscribed and sworn to before me, this 15th day of September, A. D. 1856.

GEO. PEN JOHNSTON, *Clerk*.

Endorsed: Filed Sept. 15, A. D. 1856.
GEO. PEN JOHNSTON, *Clerk*.

Appeal Bond.

U. S. CIRCUIT COURT,
Northern District of California.

STEAMER "GOLIAH," Thomas Maguire,
Claimant & Appellant,
vs.
STEPHEN CARD, Libellant & Appellee.

Know all men by these presents, that we, John Carroll and P. C. Lander, of the city of San Francisco, State of California, *and* are held and firmly bound unto the above named Stephen Card in the sum of five thousand six hundred and sixty dollars, to be paid to the said appellee; for the payment of which, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 4th day of October, A. D. 1856. Whereas the above named appellant has prosecuted an appeal to the Supreme Court of the United States, at the city of Washington, in the District of Columbia, to reverse the decree rendered in the above suit by the circuit court of the United States for the northern district of California:

Now, therefore, the condition of this obligation is such, that if the above named appellant shall prosecute his appeal to effect, and answer all damages and costs if he fail to make his appeal good, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

THOMAS MAGUIRE,
By his Attorney RICHARD H. BOWLIN, [SEAL.]
JOHN CARROLL, [SEAL.]
P. C. LANDER. [SEAL.]

Sealed and delivered and taken and acknowledged before me, this 4th day of October, A. D. 1856.

GEO. PEN JOHNSTON, *Clerk*.
WM. STONE BOTTS,
Dep. Clerk.

UNITED STATES OF AMERICA,
Northern District of California.

P. C. Lander and John Carroll, being duly sworn, depose and say, and each for himself saith that he is worth the sum of five thousand six hundred and sixty dollars over and above all his just debts and liabilities.

JOHN CARROLL,
P. C. LANDER.

Sworn to before me, this 4th day of October, A. D. 1856, by Jno. Carroll.

GEO. PEN JOHNSTON, *Clerk.*
WM. STONE BOTTS,
Dep. Clerk.

Sworn to by P. C. Lander, this 17th day of Oct., 1856.

GEO. PEN JOHNSTON, *Clerk.*
CUTLER McALLISTER,
Dep. Clerk.

I approve the above bond and the sufficiency of the sureties thereon.

M. HALL McALLISTER,
Judge Cir. Court U. S., Dist's of Cal'a.

Endorsed: Filed this fourth day of October, 1856.

GEO. PEN JOHNSTON, *Clerk.*
WM. STONE BOTTS,
Dep. Clerk.

Citation.

By the Hon. M. H. McAllister, judge of the Circuit Court of the United States for the districts of California, to Stephen Card:

Whereas Thomas Maguire, claimant of the steamer "Goliah," her tackle, &c., has lately appealed to the Supreme Court of the , from a decree lately rendered in the circuit court of the United States for the districts of California, made in favor of you, the said Stephen Card, against the said steamer "Goliah," her tackle, &c., and has filed the security required by law: You are, therefore, hereby cited to appear before the said Supreme Court, at the city of Washington, on the first day of December next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand, at the city of San Francisco, in the said districts of California, this seventeenth day of October, in the year of our Lord eighteen hundred and fifty-six, and of the independence of the United States the eighty-first.

M. HALL McALLISTER, *Judge.*

FRANCIS POE,
Proctor for Appellant.

U. S. CIRCUIT COURT,
North. Dist. of Cal'a.

Francis Poe, being duly sworn, deposeth and saith, that he hath served a copy of the within citation upon Wm. Barker, esq., the said proctor for respondent, by leaving a copy of the same at his office and with the person in charge thereof.

FRANCIS POE.

Subscribed and sworn to before me, this 17th day of Oct'r, A. D. 1856.

CUTTER McALLISTER,
Dep. Clerk.

STEAMER "GOLIAH," Thomas Maguire,
Claimant and Appellant,
vs.
STEPHEN CARD, Libellant and Appellee.

I, Geo. Pen. Johnston, clerk of the circuit court of the United States of America for the districts of California, in and for the northern district, do hereby certify the foregoing pages, from 1 to 34, to be a true transcript of the records of said circuit court in the above entitled cause.

In witness whereof, I have hereunto set my hand and affixed the seal of the said circuit court, this eighteenth day of October, [L. S.] in the year of our Lord one thousand eight hundred and fifty-six, and of the independence the eighty-first.

GEO. PEN JOHNSTON, *Clerk*,
By WM. STONE BOTTS,
Deputy Clerk.

Filed 9th Feb., 1857.